

REMARKS

Review and reconsideration of the Office Action, dated March 30, 2010, is respectfully requested in view of the following remarks.

Claims 1-21 have been canceled. Claims 22-41 have been added. Claims 22-41 correspond to Elected Species I. Support for Claims 22-41 can be found on Figure 1, Claims 1-21 as originally filed, and Pages 8-21 of the specification as originally filed.

No new matter has been added to the claims and title by the present amendment.

Applicant's arguments regarding the difference between the cited prior art and the present set of claims can be found below.

OFFICE ACTION

Turning to the Office Action, the paragraphing of the Examiner is adopted.

ELECTION/RESTRICTION

Applicant would like to point out to the Examiner that present Claims 22-41 correspond to Elected Species I. Entry of Claims 22-41 is respectfully requested.

CLAIMS- OBJECTIONS

The Examiner objected to Claim 1 because of informalities.

The position of the Examiner can be found on page 2 of the Office Action.

In response, Applicant has reviewed the claims to overcome the formality objection.

Accordingly, withdrawal of the rejection is respectfully requested.

Title- OBJECTIONS

The Examiner objected to the Title as being non-descriptive.
The position of the Examiner can be found on page 2 of the Office Action.
In response, Applicant has amended the title to overcome the objection.
Accordingly, withdrawal of the rejection is respectfully requested.

Claims Rejection- Anticipation

The Examiner rejects Claim 1 under 35 U.S.C. 102(b) as being anticipated by Pferschy (US Patent 6,710,244).

The position of the Examiner can be found on page 3 of the Office Action.
Applicant respectfully traverses.

For a reference to anticipate, it must contain all the elements of the Claim.
Applicants note that the present set of claims contains 3 independent claims, namely, Claims 22, 23, and 41. Applicants will direct their comments to the patentability of these claims, because if these claims are allowable, the remaining dependent claims are also allowable.

Compared with Claims 22, 230, and 41, the Pferschy reference mainly fails to teach the wall skirting means to fit and support the bottom edge of the wall cladding and a removable skirting device including a bait container to treat or attract insects.

The present set of claims define a system which finds use in new or existing wall structures, can support all types of wall cladding, and provides a readily reusable means to inspect, and if necessary treat, any termite or vermin discovered within the wall cavity.

Applicant respectfully points out to the Examiner that none of the cited art is suitable for new or existing wall structures capable of supporting all types of wall cladding, particularly the commonly used plasterboard which collapses when the bottom section is removed.

Accordingly, withdrawal of the anticipation rejection in view of the Pferschy reference is respectfully requested.

Claims Rejection- Anticipation

The Examiner rejects Claim 2 under 35 U.S.C. 102(b) as being anticipated by Baum (US Patent 1,585,960).

The position of the Examiner can be found on pages 3-4 of the Office Action.

Applicant respectfully traverses.

For a reference to anticipate, it must contain all the elements of the Claim.

Applicants note that the present set of claims contains 3 independent claims, namely, Claims 22, 23, and 41. Applicants will direct their comments to the patentability of these claims, because if these claims are allowable, the remaining dependent claims are also allowable.

Compared with Claims 22, 230, and 41, the Baum reference mainly fails to teach the wall skirting means to fit and support the bottom edge of the wall cladding and a removable skirting device including a bait container to treat or attract insects.

The present set of claims define a system which finds use in new or existing wall structures, can support all types of wall cladding, and provides a readily reusable means to inspect, and if necessary treat, any termite or vermin discovered within the wall cavity.

Applicant respectfully points out to the Examiner that none of the cited art is suitable for new or existing wall structures capable of supporting all types of wall cladding, particularly the commonly used plasterboard which collapses when the bottom section is removed.

Accordingly, withdrawal of the anticipation rejection in view of the Baum reference is respectfully requested.

Claims Rejection- Obviousness

The Examiner rejects Claims 2 and 4-7 under 35 U.S.C. 103(a) as being obvious over Wakelin (AU200215588) in view of Tashjian (US Patent 1,611,325).

The position of the Examiner can be found on pages 4-5 of the Office Action.
Applicant respectfully traverses.

Applicants note that the present set of claims contains 3 independent claims, namely, Claims 22, 23, and 41. Applicants will direct their comments to the patentability of these claims, because if these claims are allowable, the remaining dependent claims are also allowable.

Compared with Claims 22, 230, and 41, the Wakelin and Tashjian references mainly fail to teach the wall skirting means to fit and support the bottom edge of the wall cladding and a removable skirting device including a bait container to treat or attract insects.

The present set of claims define a system which finds use in new or existing wall structures, can support all types of wall cladding, and provides a readily reusable means to inspect, and if necessary treat, any termite or vermin discovered within the wall cavity.

Applicant respectfully points out to the Examiner that none of the cited art is suitable for new or existing wall structures capable of supporting all types of wall cladding, particularly the commonly used plasterboard which collapses when the bottom section is removed.

Thus, neither of the Wakelin or the Tashjian references, taken alone or in combination, teach the present invention as claimed because both references fail to teach the above-indicated differences.

Accordingly, withdrawal of the obviousness rejection in view of the Wakelin and Tashjian references is respectfully requested.

Favorable consideration and early issuance of the Notice of Allowance are respectfully requested. Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.

Respectfully submitted,

/Evelyn A. Defillo/

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ELECTRONIC FILING CERTIFICATE

I HEREBY CERTIFY that the foregoing AMENDMENT A for US Application No. 10/562,213 filed September 18, 2006 was electronically filed addressed to Mail Stop Amendment Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on September 30, 2010.

/Evelyn A. Defillo/

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